

**AMENDMENTS TO THE DRAWINGS**

The attached Replacement Sheet of drawings includes changes to Figure 1. This Replacement Sheet, which includes Figure 1, replaces the original sheet including Figure 1.

The amendments to the drawings correct minor typographical errors. In particular, Applicants have amended Figure 1 to include the legend "Prior Art" as the Examiner requested. Annotated Sheets showing changes made are also attached hereto.

Attachments: Replacement sheets

Annotated sheets showing changes made

### **REMARKS**

This is intended as a full and complete response to the Office Action dated February 19, 2009, having a shortened statutory period for response set to expire on May 19, 2009. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-19 remain pending in the application and are shown above. Claims 1-12 and 15-19 are rejected. Claims 1, 8, 9, 11, and 19 have been amended. Reconsideration of the rejected claims is requested for reasons presented below.

### **Drawings**

The Examiner objected to Figure 1 because it should be designated by a legend such as "Prior Art" because only that which is old is illustrated. See MPEP §608.02(g). In amended Figure 1, the phrase "Prior Art" has been added to correct the drawings. Withdrawal of the objection to the drawings is respectfully requested.

### **Specification**

The Examiner objected to the specification because of informalities. In the specification, the paragraph on page 16, beginning on line 26 has been amended to correct minor typographical problems to reflect the Examiner's suggestion. Withdrawal of the objection to the specification is respectfully requested.

### **Claim Rejections Under 35 U.S.C. § 112**

Claim 11 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 11 has been amended to remove the term "each".

Claims 14-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 14-16 each recites the limitation "second holding piece" in the second line of the respective claims. Claims 17 and 18 both recite the limitation "or third elements" in the second line of the respective claims.

Claims 8 and 9 have been amended to provide sufficient antecedent basis for the term "second holding piece" and "or third elements". Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 11 and 14-18 under 35 U.S.C. § 112, second paragraph.

### **Claim Rejections Under 35 U.S.C. § 102**

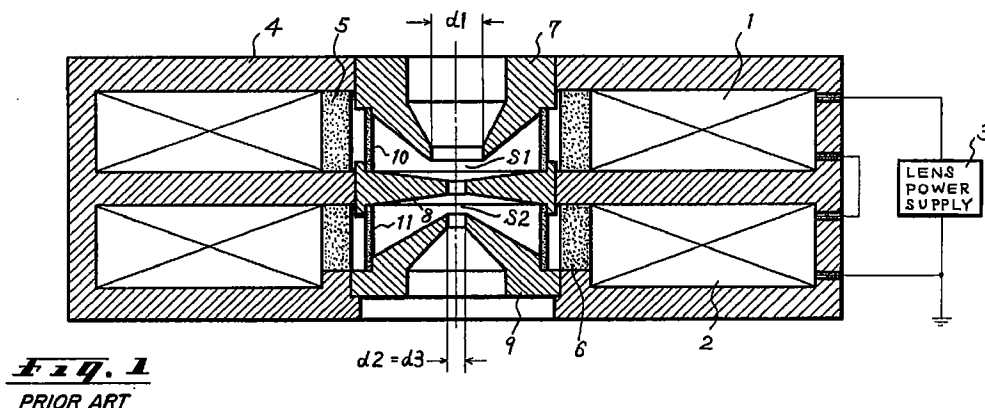
#### **Claims 1-7 and 18-19**

Claims 1-7 and 18-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Tsuno* (U.S. Pat. 4,450,357, hereinafter *Tsuno*). Claims 1 and 19 have been amended to clarify the invention. Support for the amendment may be found on page 16, lines 20-22 of the present specification.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). In other words, the elements in the single prior art reference must be "arranged or combined in the same way as in the claim," *Net Money/IN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1370 (Fed. Cir. 2008).

Applicants respectfully assert that independent claims 1 and 19 are not anticipated by *Tsuno* under 35 U.S.C. § 102(b) because *Tsuno* does not describe each and every element of independent claims 1 and 19, as currently amended. In particular, *Tsuno* does not describe a first holding piece for abutting the first element to the first distance piece, wherein the first holding piece is attached to the first distance piece to fasten the first holding piece directly to the first distance piece, as recited in independent claims 1 and 19.

*Tsuno* teaches an electron lens, equipped with three magnetic pole pieces defining two gaps forming two magnetic fields of opposite polarity. Figure 1 shows an electron lens, as depicted below. The Examiner asserts that spacers 10 and 11 correspond to the distance pieces and the yoke 4 corresponds to the holding piece of the present application. (Office Action dated Feb. 19, 2009, p. 4.) Applicants respectfully disagree.



In the electron lens of *Tsuno*, an upper pole piece 7, a middle pole piece 8 and a lower pole piece 9 are installed with non-ferromagnetic spacers 10 and 11 therebetween. (*Tsuno*, 1:19-30.) The pole pieces are enveloped by a ferromagnetic yoke 4. (*Id.*)

However, *Tsuno* fails to teach, show, or suggest, a first holding piece directly fastened to a first distance piece, as recited in claims 1 and 19. The Examiner acknowledges this fact by asserting that a holding piece can be attached to another distance piece through one or more other pieces. (Office Action dated Feb. 19, 2009,

pages 4-5.) Thus, *Tsuno* fails to teach or describe each and every element arranged or combined in the same way as in independent claims 1 and 19.

As *Tsuno* does not describe a first holding piece for abutting the first element to the first distance piece, wherein the first holding piece is attached to the first distance piece to fasten the first holding piece directly to the first distance piece, as recited in independent claim 1, Applicants assert that claim 1 is not anticipated by *Tsuno* and respectfully request that the Examiner withdraw the rejection of independent claim 1 under 35 U.S.C. § 102(b).

Furthermore, as *Tsuno* does not describe a first holding piece for abutting the first element to the first distance piece, wherein the first holding piece is attached to the first distance piece to fasten the first holding piece directly to the first distance piece, as recited in independent claim 19, Applicants assert that claim 19 is not anticipated by *Tsuno* and respectfully request that the Examiner withdraw the rejection of independent claim 19 under 35 U.S.C. § 102(b).

Applicants additionally assert that each of dependent claims 2-7 and 18 is allowable at least because each depends directly or indirectly from claim 1, which is allowable for the reasons stated above. Therefore, Applicants assert that claims 2-7 and 18 are patentable over *Tsuno* and respectfully request that the Examiner withdraw the rejection of dependent claims 2-7 and 18 under 35 U.S.C. § 102(b).

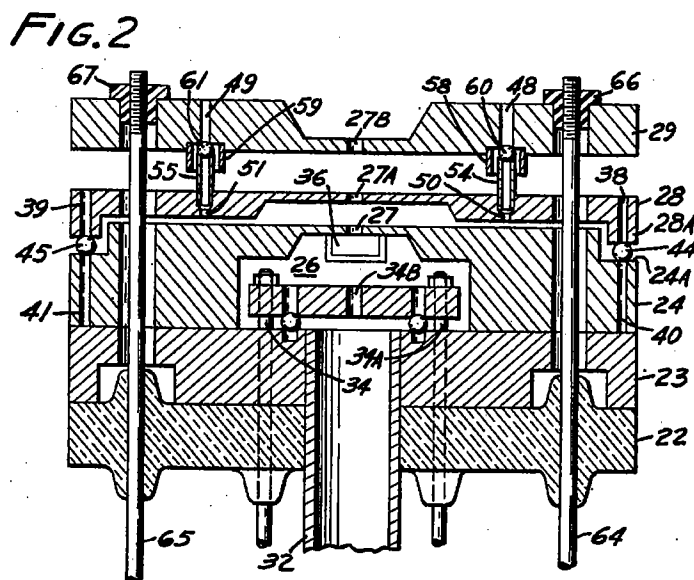
Claims 1, 8-12, 15, and 17

Claims 1, 8-12, 15, and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Robinson, et al.* (U.S. Pat. 2,581,446, hereinafter *Robinson*). Claims 1 and 8 have been amended to clarify the invention. Support for the amendment may be found on page 16, lines 20-22 of the present specification.

The standard for Anticipation has been discussed above.

Applicants respectfully assert that independent claims 1 and 8 are not anticipated by *Robinson* under 35 U.S.C. § 102(b) because *Robinson* does not describe each and every element of independent claims 1 and 8, as currently amended. In particular, *Robinson* does not describe a first holding piece for abutting the first element to the first distance piece, wherein the first holding piece is attached to the first distance piece to fasten the first holding piece directly to the first distance piece, as recited in independent claims 1 and 8.

Robinson discloses an arrangement for vacuum electrodes. Referring to Figure 2, shown below, the Examiner states that tie rods 64, 65 correspond to holding pieces that are attached to the first distance piece. (Office Action dated Feb. 19, 2009, pages 5.)



The Examiner notes that the tie rods 64, 65 are attached to the spacing balls 60, 61 through electrodes 28, 29 (corresponding to the first and second element). (Office Action dated Feb. 19, 2009, pages 5.)

However, *Robinson* fails to teach, show, or suggest, a first holding piece directly fastened to a first distance piece, as recited in claims 1 and 8. The Examiner again acknowledges this fact by asserting that a holding piece can be attached to another

distance piece through one or more other pieces. (Office Action dated Feb. 19, 2009, pages 4-5.) Thus, *Robinson* fails to teach or describe each and every element arranged or combined in the same way as in independent claims 1 and 8.

As *Robinson* does not describe a first holding piece for abutting the first element to the first distance piece, wherein the first holding piece is attached to the first distance piece to fasten the first holding piece directly to the first distance piece, as recited in independent claim 1, Applicants assert that claim 1 is not anticipated by *Robinson* and respectfully request that the Examiner withdraw the rejection of independent claim 1 under 35 U.S.C. § 102(b).

Furthermore, as *Robinson* does not describe a first holding piece for abutting the first element to the first distance piece, wherein the first holding piece is attached to the first distance piece to fasten the first holding piece directly to the first distance piece, as recited in independent claim 8, Applicants assert that claim 8 is not anticipated by *Robinson* and respectfully request that the Examiner withdraw the rejection of independent claim 8 under 35 U.S.C. § 102(b).

Applicants additionally assert that each of dependent claims 9-12, 15, and 17 is allowable at least because each depends directly or indirectly from claims 1 and 8, which is allowable for the reasons stated above. Therefore, Applicants assert that claims 9-12, 15, and 17 are patentable over *Robinson* and respectfully request that the Examiner withdraw the rejection of dependent claims 9-12, 15, and 17 under 35 U.S.C. § 102(b).

#### Claim Rejections Under 35 U.S.C. § 103

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Robinson* in view of *Benveniste* (U.S. Pub 2005/0242293, hereinafter *Benveniste*).

To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. (See MPEP 2143.03, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA)).

Claim 16 depends from indirectly from claim 8, and includes the elements and limitations recited therein.

As previously discussed herein, the teachings of *Robinson* do not describe, teach, or suggest a first holding piece for abutting the first element to the first distance piece, wherein the first holding piece is attached to the first distance piece to fasten the first holding piece directly to the first distance piece as recited in independent claim 8.

The teachings of *Benveniste* do not satisfy the deficiencies of *Robinson*.

*Benveniste* teaches an electrode subassembly for an ion implanter. (*Benveniste*, [0001], Figure 1.) The subassembly comprises a first generally planar electrode having a first aperture; a second generally planar electrode having a second aperture aligned with the first aperture; and a pair of connecting rods connecting the first generally planar electrode to the second generally planar electrode. (*Benveniste*, [0010]-[0011], Figure 1, claim 1.) The connecting rods permit generally parallel and slidable movement of the second generally planar electrode with respect to the first generally planar electrode. (*Benveniste*, abstract, [0010]-[0011], Figure 1, claim 1.) However, *Benveniste* fails to teach, show, or suggest, a first holding piece directly fastened to a first distance piece, as recited in claims 8.

As *Robinson* does not describe a first holding piece for abutting the first element to the first distance piece, wherein the first holding piece is attached to the first distance piece to fasten the first holding piece directly to the first distance piece, as recited in independent claim 8, Applicants assert that claim 8 is not anticipated by *Robinson* and respectfully request that the Examiner withdraw the rejection of independent claim 8 under 35 U.S.C. § 102(b).

Applicants additionally assert that dependent claim 16 is allowable at least because each depends indirectly from claims 8, which is allowable for the reasons stated above. Therefore, Applicants assert that claims 16 is patentable over *Robinson* and respectfully



request that the Examiner withdraw the rejection of dependent claims 16 under 35 U.S.C. § 103(a).

Furthermore, applicants cannot see how a combination of any of the references would lead to the subject-matter of claim 16. *Benveniste* provides a slidable arrangement, whereas the present application provides a beam optical component for holding the parts of that component in a defined distance.

Therefore, Applicants respectfully assert that dependent claim 16 could not have been obvious to a person of ordinary skill in the art at the time the invention was made considering *Robinson* in view of *Benveniste*, and request that the Examiner withdraw the rejection of dependent claim 16 under 35 U.S.C. § 103(a) for this additional reason.

#### Allowable Subject Matter

Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants wish to thank the Examiner for the allowable subject matter.

Application No. 10/578,206  
Amendment dated May 15, 2009  
Reply to Office Action of February 19, 2009

Docket No.: ZIMR/0038US

**Conclusion**

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

Having addressed all issues set out in the office action, Applicants respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

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Respectfully submitted,

By 

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Attachments